



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
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August 25, 1998

Re: JIC Advisory Opinion 1998-09

Dear

Your recent letter to the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In your letter you stated that the attorney for a juvenile asked you to send a letter on his client's behalf. The juvenile matter is pending in another state. The juvenile was indicted for Breaking and Entering and Petit Larceny. You were asked by his attorney to be a character witness by way of letter to be shown to the District Attorney, Counselor, Probation Officer and possibly the Judge hearing the matter. You indicated that you had advised the attorney of the restrictions placed upon you by Canon 2 and you also indicated to the Commission that you had not been subpoenaed.

As you stated in your correspondence, the inquiry which you made is governed by the relevant sections of Canon 2B of the Code of Judicial Conduct. That Canon states in pertinent part:

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

B. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or knowingly permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.

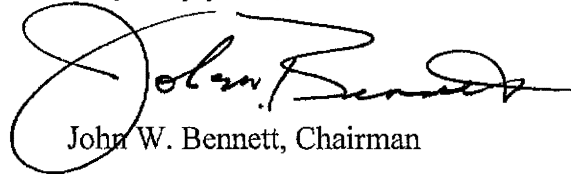
The commentary to that Canon states that: "*a judge must not testify voluntarily as a character witness because to do so may lend the prestige of the judicial office in support of the party for whom the judge testifies.*"

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Based upon the information that you have provided to the Commission and the language set forth in Canon 2B, it is the opinion of the Commission that you may not send the letter which you have drafted. If you have any further question regarding the matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "John W. Bennett", with a large, stylized initial "J" and a long, sweeping underline.

John W. Bennett, Chairman

JWB:nb